



STATE OF WASHINGTON APPLICATION TO ENTER A WATER RIGHT INTO THE TRUST WATER RIGHT PROGRAM

RECEIVED

NOV 21 2013

DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE

NOTE: THIS FORM IS ONLY TO BE USED FOR THE
ACQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

(Check all that apply.)

- ☒ Lease
☐ Purchase
☒ Donation
☐ Other

Explain: Lease of 21.5 acres and Donation of 0.5 acres

☐ Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE 01 / 14 / 2013

END DATE 12 / 31 / 2015

FOR OFFICE USE ONLY

FILE No. CS4-00777 sb3@11 WRIA 39

DATE ACCEPTED 12 / 17 / 2013 BY [Signature]

FEE \$ 0 REC'D 11 / 21 / 2013

CHECK No. 0

SEPA: ☐ Exempt ☐ Not exempt

****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)****

1. Applicant Information:

| | | |
|--|-----------------------------|---------------------------|
| APPLICANT/BUSINESS NAME Washington Water Trust | PHONE NO. (206) 675-1585 | FAX NO. (206) 749-9274 |
| ADDRESS 1530 Westlake Avenue N, Ste 400 | | |
| CITY Seattle | STATE WA | ZIP CODE 98109 |
| CONTACT NAME (IF DIFFERENT FROM ABOVE) Jason McCormick, Project Manager, Washington Water Trust | PHONE NO. (509)607-3513 | FAX NO. (509)925-5603 |
| ADDRESS 222 East 4 th Avenue, Suite 109 | | |
| CITY Ellensburg | STATE WA | ZIP CODE 98926 |

CEL 00777 SUB 3 TEARAWAY
06-30-1885 CFB-54-83703-J

FOR OFFICE USE ONLY

WATER RIGHT NO. _____ FILE (contract) NO. _____

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

ECY 070-54 (06/05)

1

CS4-00777-sb3@11

Application to Enter a Water Right into
the Trust Water Right Program

2. Water Right Information:

| | |
|---|---|
| COURT CLAIM NUMBER CC NO. 00777 | RECORDED NAME(S) Milton F. and Geraldine Downs |
| DO YOU OWN THE RIGHT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS: Milton and Geraldine Downs 3380 Teanaway Rd. Cle Elum, WA 98922 | |
| HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS | |

3. How is Water to be Made Available for Trust?

| | |
|--|---|
| <input type="checkbox"/> Alteration in method of diversion | <input type="checkbox"/> Alteration in water use/ irrigated acreage |
| <input type="checkbox"/> Alteration in method of delivery/conveyance | <input type="checkbox"/> Nonuse of one or more points of diversion |
| <input type="checkbox"/> Alteration in method of water application | <input checked="" type="checkbox"/> Nonuse of all or a portion of the named water right |
| <input type="checkbox"/> Alteration in type of crop | <input type="checkbox"/> Other, Explain below: |
| Name of funding source(s): Ecology and CBWTP | |

WATER RIGHT DESCRIPTION *

4. Point(s) of Diversion/Withdrawal:

A. Existing

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|----------------|-----|----|----|------|------|------|----------|------------|
| Teanaway River | 1 | SE | SE | 10 | 20N | 16E | | |
| | | | | | | | | |
| | | | | | | | | |

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

5. Purpose of Use:

A. Existing Use of the Water Right

| PURPOSE OF USE | GPM or CFS | ACRE-FT/YR | PERIOD OF USE |
|----------------|------------|------------|-----------------------|
| Irrigation | 0.44 cfs | 143 af/yr | May 1 to September 15 |
| Stockwater | | 2 | May 1 to September 15 |

* If additional space is needed, please continue on the form: Attachment for Application to Enter a Water Right into the Trust Water Right Program.

2. Water Right Information:

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B. Proposed Purpose of the Trust Water Right:

| DESCRIBE THE PURPOSE(S) OF USE DURING THE PERIOD OF TRUST: | |
|---|----------------------------|
| PURPOSE OF USE | ACRE-FEET/YR |
| LEASE: Instream flow to the Pacific Ocean – 21.5 acres, 0.43 cfs, irrigation and stock water | 141.75 acre-feet/yr |
| DONATION: Instream flow to the Pacific Ocean – 0.05 acres, 0.01 cfs, irrigation | 3.25 acre-feet/yr |

6. Place of Use:**A. Existing:**

| LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED: | | | | | | | |
|---|---|------|------|------|----------|----------|------------|
| That portion of the E½ of Section 14, T. 20 N., R. 16 E. W.M., described as follows: Commencing at the east quarter corner of said section; thence north to the south right of way of the Teanaway Road; thence northwesterly to the intersection of said road and 3M Ditch, being the point of beginning; thence northwesterly along said right of way 700 feet, more or less, thence southerly 90 feet, more or less, to the old railroad right of way; thence southeasterly along the said right of way 2000 feet, more or less; thence easterly 80 feet, more or less, to Mason Creek; thence northeasterly along the west bank of said creek to the 3M Ditch; thence northwesterly along the south bank of said ditch to the point of beginning. | | | | | | | |
| ¼ | ¼ | SEC. | TWP. | RGE. | COUNTY | PARCEL # | # OF ACRES |
| E ½ | | 14 | 20N | 16E | Kittitas | 394935 | 22 |
| DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME: Milton and Geraldine Downs 3380 Teanaway Rd. Cle Elum, WA 98922 | | | | | | | |

6. Place of Use (continued)**B. Proposed:**

| IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED |
|---|
| Instream flow from the historic point of diversion to the Pacific Ocean. |

7. Remarks and Other Relevant Information:

Washington Water Trust is requesting the acceptance of a portion of Court Claim No. 00777 to instream flow from January 01, 2013 through December 31, 2015.

The Donor (Downs) requests to reserve the right to remove the 0.5 acre donation at any point during the term with 30 days notice to Ecology. The Leasee (WWT) requests for the 21.5 acre leased water right to remain in trust for the whole lease term, through December 31, 2015.

This change application seeks to effectuate a transfer of the 22 acres (21.5 acre Lease and 0.5 acre Donation) served by the Court Claim to be used exclusively for instream flows for fish maintenance and enhancement, recreational uses and preservation of environmental and aesthetic values as allowed under RCW Chapters 90.03, 90.38, and 90.42. Water use changes associated with this application will provide significant environmental benefits from the Teanaway River to the Pacific Ocean, thus this transfer should receive expedited processing under WAC 173-152-050(2)(b) and (3)(a).

This proposed trust water right is part of Court Claim No. 00777 in the Teanaway River Subbasin (Subbasin 03), approved by Conditional Final Order signed on February 08, 2001. This application is accompanied by a Yakima County Superior Court Order Pendente Lite.

Washington Water Trust intends to protect this trust water right as instream flow from the Teanaway River to the Pacific Ocean.

Exhibits:

Exhibit A: January 14, 2013 Lease and Donation Agreements

Exhibit B: Order Pendente Lite, April 11, 2013

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

8. Signatures:

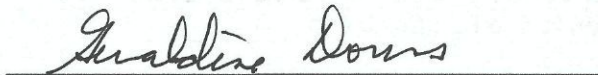
I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.


(Jason McCormick, WWT: Applicant)

11 / 11 / 2013
(Date)


(Milton F. Downs: Water Right Holder and Landowner)

11 / 21 / 13
(Date)


(Geraldine Downs: Water Right Holder and Landowner)

11 / 21 / 13
(Date)

IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION _____ IS INCOMPLETE

☐ OTHER/EXPLANATION: _____

STAFF: _____ DATE: ____ / ____ / ____

Exhibits:

Exhibit A: January 14, 2013 Lease and Donation Agreements

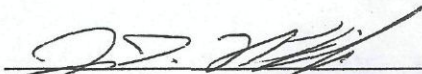
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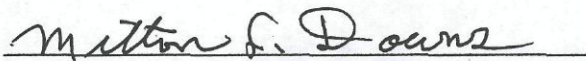
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